

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DAVID BENNETT,
Plaintiff,

v.

PROP. 47 PUBLIC DEFENDER, et al.,
Defendants.

Case No. 19-08166 BLF (PR)

ORDER OF DISMISSAL

Plaintiff, a California inmate, filed the instant *pro se* civil rights action pursuant to 42 U.S.C. § 1983, seeking money damages for unlawful confinement. Dkt. No. 1. The Court referred this matter to the Federal Pro Se Program (“FPSP”) to find counsel for the limited purpose of conducting a competency hearing because there was a substantial question regarding his mental incompetence based on an order from the Superior Court of Butte County finding him incompetent to stand trial. Dkt. No. 16.

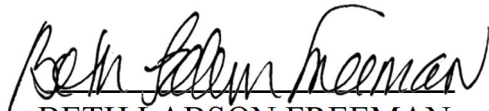
While the matter was pending with the FPSP, it came to the Court’s attention that Plaintiff’s criminal proceedings in Butte County Superior Court were reinstated by a minute order dated December 23, 2020, after a mental competence hearing. *See In the Matter of David Hill Bennett*, Case No. 20CF01767-1. Dkt. No. 18 at 1. The Court found

1 that the reinstatement of criminal proceedings indicated that Plaintiff had been restored to
2 competency, and therefore no longer a substantial question regarding Plaintiff's
3 competency. *Id.* at 2. On January 26, 2021, the Court withdrew its referral to the FPSP,
4 denied the motion for appointment of a guardian *ad litem*, and directed Plaintiff to file an
5 amended complaint within 45 days from the date the order was filed, i.e., no later than
6 March 12, 2021. *Id.* Plaintiff was advised that failure to respond to the order by filing an
7 amended complaint in the time provided would result in the dismissal of this action
8 without prejudice and without further notice Plaintiff. *Id.* at 2-3. The deadline has long
9 since passed, and Plaintiff has failed to file an amended complaint and has had no further
10 communication with the Court.

11 Accordingly, this action is **DISMISSED without prejudice** for failure to file an
12 amended complaint in the time provided. The Clerk shall terminate all pending motions
13 and close the file.

14 **IT IS SO ORDERED**

15 Dated: April 16, 2021


BETH LABSON FREEMAN
United States District Judge

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